



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 4, 2014

Council District ALL

Zoning Commission Recommendation:
Approval by a vote of 7-0

Opposition: none

Continued Yes ___ No X
Case Manager Jocelyn Murphy
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: City of Fort Worth Planning and Development Department

Site Location: Citywide Mapsco: N/A

Proposed Use: An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend:

- Section 4.405 "Airport/Airfield Overlay" ("AO") District Of Article 4 "Overlay Districts", Of Chapter 4, "District Regulations" to add a new section, Section 4.405F, "Dallas/Fort Worth International Airport"; providing regulations for an Airport/Airfield Overlay Zone ("AO") for Dallas/Fort Worth International Airport

To review the proposed amendments:

<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

Request: TEXT AMENDMENT: AIRPORT OVERLAY: DALLAS/FORT WORTH INTERNATIONAL AIRPORT

Background:

Dallas/Fort Worth International Airport is the third Airport Overlay to be completed. The City Council authorized proceeding with the D/FW Airport Overlay in a resolution approved on February 4, 2014.

The purpose of the Overlay is to protect the operation and the public investment in the airport. The Overlay will help identify and reduce nuisances that can include any use, activity or structure that may be a hazard to the taking off, landing, and maneuvering of aircraft. It will allow for additional review of the proposed installation of towers or other communications equipment that could interfere with visual radar, radio, or other systems for tracking, monitoring or controlling aircraft.

The proposed items to be controlled include communications and electrical interference, lighting, glare, emissions, wildlife attractants, and waste disposal facilities. These are all very typical items to be included and identified within airport overlays. More detailed regulations are provided for lighting and glare to ensure clear implementation of these items.

New regulations are intended to protect areas around the airport that generally follow the 65 DNL (noise level measurement). The boundary for the D/FW overlay is limited to the incorporated city limits of Fort Worth to the north, south, and east. Other boundaries have been identified using points on the ground including street right-of-way lines and intersections and property boundaries to ensure that the boundaries of the overlay are easily identified.

The Airport Overlay will not control land uses other than the specific uses identified as nuisances. The underlying zoning will continue to regulate the appropriate uses in an area. The Overlay is intended to provide additional regulations for properties that are in proximity to an airfield and therefore have the potential to influence the pilots' experiences either during take-off or landing.

The D/FW Airport recently celebrated its 40th anniversary. Attached is some information on the history of Dallas/Fort Worth International Airport.

Attachments: Proposed Ordinance and Exhibit
D/FW Airport History
Minutes from the Zoning Commission meeting

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING SECTION 4.405 "AIRPORT/AIRFIELD OVERLAY" ("AO") DISTRICT OF ARTICLE 4 "OVERLAY DISTRICTS", OF CHAPTER 4, "DISTRICT REGULATIONS" TO ADD A NEW SECTION, SECTION 4.405F, "DALLAS/FORT WORTH INTERNATIONAL AIRPORT"; PROVIDING REGULATIONS FOR AIRPORT/AIRFIELD OVERLAY ZONE ("AO") RESTRICTIONS FOR DALLAS/FORT WORTH INTERNATIONAL AIRPORT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dallas/Fort Worth International Airport, a major regional airport, is a significant economic generator and fulfills an essential community purpose; and

WHEREAS, the creation or establishment of land uses or airport hazards that are not compatible with the operations of an airfield is a public nuisance, injures the region served by the airport, and affects the welfare of users of the airport and of owners, occupants, and users of land in the vicinity of the airport;

WHEREAS, these nuisances can include any use, activity or structure that may be a hazard to the taking off, landing, and maneuvering of aircraft or that interfere with visual radar, radio, or other systems for tracking, acquiring data relating to, monitoring or controlling aircraft or that may be sensitive to the noise level and vibrations that are typical in the vicinity of an operative airfield, and which may result in community conflict, reduced quality of life, and possibly impair the utility of the airport and the public investment in the airports; and

WHEREAS, it is necessary in the interest of the health, safety, and welfare of the general public as well as the economic stability of the region that the creation or establishment of incompatible land uses and airport hazards be prevented; and

WHEREAS, it is necessary in the interest of predictable growth and development of land in the vicinity of the airports, the long term integrity of the airport's usage and operations, and minimizing future conflicts between operation of the airport and development of land in the vicinity of the airport that the creation or establishment of incompatible land uses and hazards be prevented; and

WHEREAS, it is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, and the marking and lighting of obstructions are public purposes for which a political subdivisions may raise and expend public funds and acquire interests in land;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS

SECTION 1.

Section 4.405 “Airport/Airfield Overlay” (“AO”) District, of Article 4, “Overlay Districts” of Chapter 4 “District Regulations” is amended to add a new section, Section 4.405.F. “Dallas/Fort Worth International Airport”, to provide development standards and guidelines for Dallas/Fort Worth International Airport to read as follows:

F. Dallas/Fort Worth International Airport

1. Purpose and Intent.

The City of Fort Worth has designated the Dallas/Fort Worth International Airport Overlay (AO) in order to promote the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of and near municipal airport environs and to prevent the impairment of municipal airports and the public investment therein.

2. Boundaries: The specific boundary of the Dallas/Fort Worth International Airport Overlay is shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.30.

3. Communications Facilities and Electrical Interference

No use shall cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft. Proposals for the location of new or expanded radio, radio-telephone, television transmission facilities, electrical transmission lines and wind turbines shall be coordinated with the Federal Aviation Administration’s (FAA) Texas Airports Development Office prior to approval.

4. Outdoor Lighting

No use shall project lighting directly onto an existing runway or taxiway or into existing airport approach and landing paths except where necessary for safe and convenient air travel. Lighting for any new or expanded use shall incorporate shielding in their designs to reflect light away from airport approach and landing paths. Control of outdoor lighting shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Lighting shall meet the following criteria:

A. Criteria

1. Lighting Arrangement – lighting arrangements that mimic runway lighting (i.e., long linear parallel rows of lighting) that could be confused with runway or taxiway lighting are not permitted.
2. Illumination Levels – Lighting shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the City of Fort Worth.
3. Lighting Fixture Design
 - a. Fixtures shall be of a type and design appropriate to the lighting application.
 - b. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA Full-Cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the City of Fort Worth may approve the use of luminaires that are Fully Shielded or comply with IESNA cutoff criteria.
 - c. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be Fully Shielded and shall be installed and aimed so as to not project their output past the object being illuminated or skyward. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a

standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph.

d. "Barn lights," aka "dusk-to-dawn lights," shall be shielded.

4. Billboards and Signs

a. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. The face of the sign or billboard and the illumination shall not exceed 30-vertical Footcandles during the hours of darkness.

b. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.

c. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.

d. The use of highly reflective signage that creates nuisance glare or a safety hazard is not permitted.

5. Glare

No use shall cause glare by highly reflective materials, including but not limited to unpainted metal or reflective glass, on the exterior of structures located within airport approach and landing paths or on nearby lands where glare could impede a pilot's vision. Proposed solar arrays shall be coordinated with the FAA's Texas Airports Development Office prior to approval. The control of glare shall meet the following criteria:

A. Criteria

1. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Glare surface suppressants that effectively reduce glare may also be utilized.

2. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to pilots or the safe operation of aircraft.

3. Directional fixtures such as floodlights and spotlights shall be shielded, installed and aimed that they do not project their output past the object being illuminated or skyward.

4. Except as permitted for certain recreational lighting, fixtures not meeting IESNA Full-cutoff criteria shall not be mounted in excess of

sixteen (16) feet above finished grade. Fixtures meeting IESNA Full-Cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade.

5. Flag lighting sources shall have a beam spread no greater than necessary to illuminate the flag and shall be adequately shielded.

6. Emissions

No use shall, as part of its regular operations, cause emissions of smoke, ash, vapor, gas, dust, steam or other emissions that could obscure visibility of pilots or conflict with airport operations.

7. Wildlife Attractants

No use shall foster an increase in bird population and thereby increase the likelihood of a bird impact problem.

8. Waste Disposal Facilities

No new waste disposal facilities shall be permitted with 10,000 feet of any airport unless approval is obtained from the FAA.

Expansions of existing land disposal facilities within these distances shall be permitted only upon demonstration that the facility is designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the City of Fort Worth, Texas DOT and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause,

sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official

newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 7.

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

Mary J. Kayser, City Secretary

ADOPTED: _____

EFFECTIVE: _____

		notification area		
Michael Jameson	8600 Meadowbrook DR	In		Opposition Sent letter in

12. ZC-14-017 Legacy Holdings, LLC (CD 5) – 3520 Euless South Main Street (Tarrant Industrial Park, Block B1, 5.09 Acres): from “PD-43” Planned Development/Specific Use for petroleum storage and distribution facility, subject to landscape screening along western boundary, no expansion of current existing facility allowed; site plan waived to Amend “PD-43” to allow for expansion of industrial office building; site plan waiver recommended

Jim Dewey, 2500 Texas Drive, Suite 100, Irving, Texas representing Legacy Holdings, LLC explained to the Commissioners that the owner Transport Petroleum wants to demolish an older building about 1800 sq. ft. and build a new office building in a different location its about 3,000 to 4,000 sq. ft. Where they want to build the new office there is a fueling station which will be relocated so that truck traffic can be diverted further to the south away from the office.

Mr. West asked if his client only owns the area outlined in yellow. Mr. Dewey said yes. Mr. West asked what the facility to the north is. David Keegan, 4312 S. George, Oklahoma City, Oklahoma said they originally purchased the entire facility and sold off a portion to another transport company that does heavy construction.

Ms. McDougall asked Mr. Keegan where the old building is located and where they are proposing to put the new building. Mr. Keegan indicated on the overhead where the two sites are. Ms. McDougall asked where the new driveway is proposed. Mr. Keegan indicated a little further south to provide better circulation.

Motion: Following brief discussion, Ms. McDougall recommended Approval of the request, seconded by Ms. Conlin. The motion carried unanimously 7-0.

13. ZC-14-018 City of Fort Worth Planning & Development (CD All) –Text Amendment: Create Overlay District for Dallas/Fort Worth International Airport (CD All) An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix “A” of the Code of The City of Fort Worth (1986), by amending:

- **Section 4.405 “Airport/Airfield Overlay” (“AO”) District of Article 4 “Overlay Districts”, of Chapter 4, “District Regulations” to add a new section, Section 4.405F, “Dallas/Fort Worth International Airport”; providing regulations for Airport/Airfield Overlay Zones (“AO”) for Dallas/Fort Worth International Airport**

Jocelyn Murphy, Planning Manager, City of Fort Worth explained the Airport Overlay text and map amendments to the Commissioners.

Motion: Following brief discussion, Ms. McDougall recommended Approval of the request, seconded by Ms. Reed. The motion carried unanimously 7-0.

14. ZC-14-019 City of Fort Worth Planning & Development (CD 5) – Map Amendment Airport Overlay District for Dallas/Fort Worth International Airport from “AG” Agricultural, “A-5” One-Family, “C” Medium Density Multifamily, “E” Neighborhood Commercial, “FR” General Commercial Restricted, “F” General Commercial, “I” Light Industrial, “J” Medium Industrial, “K” Heavy Industrial, “PD’s” 196, 326, 444, 748, 749, 758, 904, and 991 Planned Developments to add Airport Overlay (“AO”) District

Jocelyn Murphy, Planning Manager, City of Fort Worth explained the Airport Overlay text and map amendments to the Commissioners.

Motion: Following brief discussion, Ms. McDougall recommended Approval of the request, seconded by Ms. Reed. The motion carried unanimously 7-0.

<i>Document received for written correspondence</i>				<i>ZC-14-019</i>	
Name	Address	In/Out 300 notification area	Position on case		Summary
Julie De Los Reyes		In	Support		Sent letter in

**Meeting adjourned: 12:40 p.m.
02/12/14**

Dana Burghdoff, Executive Secretary and Deputy Director, Planning and Development Department

Nick Genua, Chair